

Tribal Participation In The TFW Agreement



Tribal staff gather stream data to help implement TFW.

Introduction

More than 11 years ago, the tribes and other stakeholders in Washington's forest resources agreed to find common ground for responsible natural resource management instead of waging costly and lengthy battles in the courts to resolve their differences. The result was the unprecedented Timber/Fish/Wildlife (TFW) Agreement. For the past 10 years, the tribes and tribal organizations in Washington state have participated in the TFW Agreement along with the timber industry, state and local governments, recreational, and environmental groups.

Tribal participation is a critical component of TFW. The tribes offer a centuries-old tradition of resource stewardship, practice state-of-the-art technological innovation and are strategically located to respond to the critical management needs of watersheds.

The FY-97 TFW accomplishments noted in this report demonstrate the positive impacts that tribal TFW programs, in concert with other TFW cooperators, are having on rule-making and resource protection on federal, state and private forest lands. The tribes also are involved in implementation of the President's Forest Plan, the Endangered Species Act (ESA), Habitat Conservation Plan (HCP) development, federal and state watershed analysis, negotiation of revised state forest practices rules, and continued review and monitoring of local and individual forest practice applications.

Learning and Adapting

TFW remained the preferred process of participants to work toward meaningful and effective state forest practices rules in FY-97. Of particular tribal concern were the myriad of HCPs negotiated between landowners and state and federal governments that would provide only enough protection to maintain viable populations of fish and wildlife as required under the Endangered Species Act. The tribal vision of the future calls for healthy, self-sustaining fish and wildlife resources that can support harvest.

Participants used the operations committee, established in 1996, to work toward negotiation of improved state forest practices rules. The operations committee was created to provide a level of interchange between the technical and policy level that reviews and negotiates issues, work products and assignments as they are passed between the levels. The committee helps to clearly define issues, work assignments and caucus positions. It identifies where consensus exists, where more technical work needs to occur, and where policy decisions need to be made.

Meetings to negotiate the new forestry practices rules began in October 1997 and are continuing into 1998. The final result will be improved protection for fish, water quality and wildlife.

For the tribes, a primary component in the success of TFW has always been the cooperative decision-making process. This consensus-based approach has empowered the tribes and acknowledged their management authority regarding forest practices management. The tribes have demonstrated their ability to establish and maintain a cooperative process for the management of forest resources while incorporating tribal concerns.

The tribes continued their role in implementing mandates and regulations for watershed analysis, which addresses cumulative effects of forest practices, as well as wetland and wildlife protection. Information learned from these efforts is being used in negotiations of the new forest practices rules as well as in refining the watershed analysis process. Both are examples of adaptive management, a key component of the TFW process. Adaptive management encourages monitoring and evaluation to constantly evaluate the effectiveness of management practices and determine if changes are needed.

Local Control and Partnerships

Beginning in October 1997, TFW stakeholders began revising forest practices rules to provide better protection for all the resources. The goal is to develop a permanent rule package that provides a comprehensive approach to protect and manage streams and uplands in a manner that will address ESA habitat management concerns and also meet the needs of the stakeholders. The tribal goal is a sustainable fish, wildlife, and plant community resource base that provides for the cultural, subsistence, and economic needs of tribal communities. Additionally, tribes want to maintain the forest land base as an economically sound enterprise which provides for tribal co-management, access, and harvest of resources for cultural, subsistence and economic benefits.

Negotiations of the new forest practices rules were driven by several factors. One factor was the large percentage of streams originally misclassified, and given inadequate protection, by the state. Tribal staff walked hundreds of miles of streams and found many incorrectly identified as non-fish-bearing, or not classified or mapped at all.

Tribal goals in the negotiations include improved protection for small streams that are important for fish. Tribes will continue to emphasize effectiveness monitoring of forest practices and restoration efforts.

Industry concerns about meeting ESA and Clean Water Act requirements also drive the negotiations for improved forest practices. The Environmental Protection Agency and the National Marine Fisheries Service, the agencies largely responsible for administering the two

acts, are participating in these negotiations with an eye toward better protection for threatened salmon species and declining water quality. In doing so, they are acknowledging TFW as a way to avoid time-consuming and costly court cases.

The timber industry's long-range goals of economic stability, renewable resources, and regulatory certainty are shared by the tribes, who view industry as a long-term partner in forest management. Through TFW, the timber industry has recognized its impact on water quality, fish and wildlife habitat, and other resources on which the tribes rely for their economic, cultural and spiritual survival. Industry has demonstrated its support for TFW through field and oversight participation and in support of forest practices regulations that have resulted in a greater commitment to maintaining jobs and long-term investments.

TFW is a dynamic process providing real on-the-ground protection for fish, wildlife, water quality and other natural resources while assuring long-term stability and certainty for the timber industry. Stability and certainty are achieved through conditions of greater flexibility and predictability of responsible forest management regulations.

The success of TFW is built on open participation, commitment, and development of partnerships among treaty Indian tribes, state and federal agencies, county and local governments, the timber industry, environmental organizations and the public. TFW is a "win-win" process that increases the understanding of the forest-based economy of Washington while also protecting the environment and natural resources on which the tribes and all residents of the state depend.

The strategic locations occupied by the tribes within key watersheds throughout the state provide a safety net for local resource protection. The TFW partnerships and network of cooperation not only afford more efficient and effective management of federal forest and habitat protection, but also consolidate federal regulatory requirements with trust obligations to tribal treaty rights.

Cooperative, consensus-building processes such as TFW rely upon the participation of all parties with an equal footing. The tribes are an integral part of the continued process. This has decreased confrontation and increased mutual understanding while avoiding costly

litigation. Further, the industry realizes that cooperative resource management results in economic vitality and environmental health. Ultimately, everyone benefits from rational management of our water quality, timber, fish and wildlife.

Strategic Goals in Common

TFW matches the collective experience and expertise of participants in a consensual decision-making process. Foremost, it is an organic process that yields to an ever-changing natural environment. Participants understand and encourage evaluation and modification of the TFW Agreement to the extent that changes improve forest practices. The results are solutions that are politically, legally and technically feasible.

Following are the five goals that all TFW participants embrace:

- Provide the greatest diversity of species and habitats for wildlife on forest lands;
- Provide long-term protection of habitat productivity for wild fish stocks;
- Protect the water quality needs of people, fish, and wildlife;
- Inventory, evaluate, preserve, protect and ensure tribal access to traditional cultural and archeological sites in forest lands; and
- Assure sustainable growth and development of the state's forest products industry.

TFW was envisioned from the ground up rather than from the top down. The TFW process is embodied in a set of ground rules based on its goals, a decision-making approach and acceptance of the concept of adaptive management. All committees at the policy and technical level work toward consensus decisions.

The Northwest Indian Fisheries Commission (NWIFC) acts as a central clearinghouse and facilitator for these decisions. The NWIFC provides an organiza-

tional base to deal with in-common issues and needs. The tribes and the NWIFC then coordinate with other TFW participants, which include the state departments of Natural Resources, Ecology, Fish, Wildlife and Labor and Industries; Washington Environmental Council; National Audubon Society; private forest landowners; county and local governments, and federal agencies.

The advantages of this type of process and structure are threefold. First, it provides a broad base of local participation for all parties, including each tribal government involved in the process. Second, it provides tribal and local governments with flexibility to address regional and political differences. Third, this process and structure is efficiently based without a top-heavy bureaucratic response that is costly and slow to react to environmental problems.

FY-97 Sample Accomplishments

Following is a synopsis of individual and cooperative tribal TFW activities:

Monitoring is an essential element of current management to evaluate whether regulations, management practices and restoration efforts are achieving stated goals. Monitoring standards and procedures were developed to provide a consistent database of useful information that can be used with confidence by field managers, watershed analysts and policy makers. Extensive training has been developed by and provided to TFW cooperators to ensure consistency on standard data collection methods, quality assurance, and watershed analysis. Manuals are also developed and provided to cooperators.

In FY-97, TFW participants began making the transition from establishing ambient monitoring, or existing conditions data, to effectiveness monitoring. While ambient monitoring continues, the emphasis has been on development of a TFW Effectiveness Monitoring and Evaluation Program to establish a method of examining how well forest practices are working.

Monitoring procedures and evaluation criteria are being established for three scenarios. One is to determine

the effectiveness of forest practices within the context of a certain site. For example, constructing a logging road has a greater impact on a steep slope than on flat ground. Secondly, criteria are being developed to determine the effectiveness of watershed analysis prescriptions and the response of aquatic resources over time to those prescriptions on a watershed scale. Finally, there are “big picture” evaluations that look at regional trends in aquatic resource conditions such as how higher water temperatures are affecting Puget Sound salmon.

Further, TFW cooperators are looking for ways to coordinate monitoring projects so they contribute to larger identified goals rather than numerous independent monitoring efforts.

Based on the re-typing of many streams, tribes and other TFW participants worked on proposals for riparian management zones (RMZs) along streams. Technical and policy staff of TFW cooperators worked on proposed changes to everything from building roads to how logging prescriptions are carried out on steep and unstable terrain. Information gathered in FY-97 and in previous years is proving invaluable in creating forest practices proposals and constraints. For example, the documentation of how important RMZs are for fish is a tool used by the respective caucuses to negotiate recommendations for allowable forest practices in riparian zones.

Watershed analysis continued to be a major focus of TFW cooperators. Watershed analysis was completed on 19 Watershed Analysis Units (WAU's) and work continued on another nine ongoing WAU's. Watershed analysis provides an evaluation of habitat concerns and provides prescriptions for protection and restoration of critical habitat. The tribes participate as either partners in a watershed analysis or are actively involved in reviewing analysis work by other agencies.

Tribes continued to contribute to the development or use of new ways to restore stream habitats such as the use of “engineered log jams” to provide habitat for fish and reduce the destructive powers of flooding rivers. Tribes were engaged in a number of other stream restoration projects including bank stabilization, stream blockage removal and re-planting native vegetation along streams. Technical surveys of streams also were com-

pleted and slated for publication in scientific journals. Tribes also were active on a day-to-day basis reviewing forest practice applications, and participating in interdisciplinary team meetings on specific applications.

Tribes and Tribal Organizations Participating in TFW:

Chehalis Tribe, Colville Confederated Tribes, Hoh Tribe, Jamestown S’Klallam Tribe, Lower Elwha Klallam Tribe, Lummi Nation, Kalispel Tribe, Makah Tribe, Muckleshoot Tribe, Nooksack Tribe, Nisqually Tribe, Port Gamble S’Klallam Tribe, Puyallup Tribe, Quileute Tribe, Quinault Indian Nation, Sauk-Suiattle Tribe, Shoalwater Bay Tribe, Skokomish Tribe, Spokane Tribe, Squaxin Island Tribe, Stillaguamish Tribe, Suquamish Tribe, Swinomish Tribe, Tulalip Tribes, Upper Skagit Tribe, Yakama Indian Nation, Northwest Indian Fisheries Commission, Point No Point Treaty Council, and Skagit System Cooperative.

The involvement of the tribes and the TFW cooperators in a common enterprise is a remarkable achievement. This process for integrating timber, fisheries, wildlife, water quality and cultural resources is unprecedented in the history of natural resource management. The tribes are committed to TFW because it offers the best chance for the success necessary to sustain the viability of timber, fish and wildlife resources for the benefit of generations to come.

For More Information

For more information about the natural resource management activities of the treaty Indian tribes in western Washington, contact the Northwest Indian Fisheries Commission, 6730 Martin Way E., Olympia, WA 98516; or call (360) 438-1180. The NWIFC home page is available on the World Wide Web at <http://mako.nwifc.wa.gov>.